

OCT 06 2003

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DOCKET NO.: WARF-0138 (P98103US)

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Edgar P. Spalding and Bosl Noh

Confirmation No.: 7874

Application No.: 09/817,762

Group Art Unit: 1638

Filing Date: March 26, 2001

Examiner: Medina Ahmed Ibrahim

For: MDR-LIKE ABC TRANSPORTER GENE FROM PLANTS

EXPRESS MAIL LABEL NO: EV 325638790 US

DATE OF DEPOSIT: October 3, 2003

EV325638790US

☐ MS Non-Fee ☒ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

OCT 09 2003

Sir:

TECH CENTER 1600/2900

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated June 3, 2003.
- ☐ An Amendment Supplemental to the Paper filed .
- ☐ A Substitute Specification (pages 1 -) in clean form.
- ☐ A substitute specification (pages 1 -) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures .
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.

- ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ A Terminal Disclaimer is attached.
- ☐ Appendices as follows:
- ☐ Other
- ☐ **No Additional Fee is Due.**
- ☒ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
TOTAL CLAIMS	41	45 (20 MINIMUM)	0	\$9 EACH	\$0	\$18 EACH	\$0
INDEP. CLAIMS	4	6 (3 MINIMUM)	0	\$43 EACH	\$0	\$86 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$0	\$290	\$0
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$55.00	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$0	\$420	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$0	\$950	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$0	\$1480	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1005	\$0	\$2010	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$0)	minus	(\$0)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110	\$0
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$55.00		\$0


- ☒ A check in the amount of **\$55.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of .00 . This sheet is attached in duplicate.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of June 3, 2003 to and through October 3, 2003 comprising an extension of the shortened statutory period of one (1) month.

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- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: October 3, 2003



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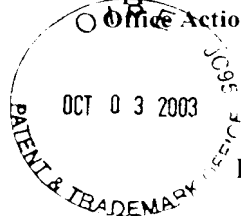
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DOCKET NO.: WARF-0138 (P98103US)

Application No.: 09 817,762

Office Action Dated: June 3, 2003

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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REPLY PURSUANT TO 37 CFR § 1.116

In response to the Official Action dated **June 3, 2003**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification** begin on page _____ of this paper.
- ☒ **Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.
- ☐ **Amendments to the Drawings** begin on page _____ of this paper and include an attached replacement sheet.
- ☒ **Remarks/Arguments** begin on page 10 of this paper.